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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,731	03/29/2001	Masayoshi Shimizu	826.1719	4353
21171	7590	02/24/2005		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER DESIRE, GREGORY M	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/819,731

Applicant(s)

SHIMIZU ET AL.

Examiner

Gregory M. Desire

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-7, 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 4, 18-23 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/11/05 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima (6,701,011) in view of Kamakawa et al (5,809,366).

Regarding claims 4 and 18 Nakajima discloses,

A user preference obtaining unit outputting images at two or more correction levels as corrected images for a given image (note col. 19 lines 31-35, nine different adjustment patterns examiner interprets as two or more correction levels), and allowing a user to select a preferred corrected image (note col. 19 lines 35-48, user selects a preferred corrected image); and

Art Unit: 2625

Nakajima is silent disclosing an image correction unit correcting an image to be corrected, which is different from the given image based on a selection result from the user. However Nakajima teaches an image correction unit correcting an image to be corrected, which is different from the given image based on a selection result from the user (note fig. 3 block 10 in connection with col. 5 lines 60-65). Therefore it would have been obvious to one having ordinary skills to disclose an image correction unit correcting an image to be corrected, which is different from the given image based on a selection result from the user. Nakajima creates a selection result from the user preference. Yamakawa in the same field of endeavor uses the selected results from the user to correct subsequent images, providing an accurate calibration that is standard in a system (note col. 2 lines 6-10).

As to: wherein said given image is stored in advance in an image correction unit as an image of quality generally preferred by a large number of users (note Nakajima col. 20 line 18-20, lines cite image prepared beforehand).

Regarding claim 19 Nakajima and Yamakawa discloses,

Wherein said user preference obtaining unit outputs images at two or more correction levels corresponding to the plurality of given images to allow the user to select preferred corrected images (note Nakajima fig. 24a and 24b in connection with col. 20 lines 40-50). Nine thumbnail images correspond to the two or more correction levels and block 165 (scene) provides plurality of given images to allow the user to select preferred corrected images.

Art Unit: 2625

Regarding claim 20 Nakajima and Yamakawa discloses,

Wherein said plurality or given images are different in type (note Nakajima col. 20 lines 48-50, shows image different in type), and said user preference obtaining unit allows the user to select preferred corrected image corresponding to each type (note Nakajima col. 20 line 44-47).

Regarding claim 21 Nakajima and Yamakawa discloses,

A user specified image input unit receiving a user specified image as the given image (note Nakajima fig. 24b block 165 and col. 20 lines 40-45, sample is user specified image input unit receiving a user specified image).

Regarding claim 22 Nakajima and Yamakawa discloses,

User preference obtaining unit requests a user to input user identifier for identification of the user, and allows each user to select a preferred corrected image (fig. 32, block 5)

Regarding claims 23 Nakajima and Yamakawa discloses,

Wherein said user preference obtaining unit prints and outputs images at two or more correction level (note Nakajima col. 19 lines 38-40, user prints nine images of different adjusting parameters (two or more correction levels); and

Art Unit: 2625

Apparatus further comprises an image-printing unit printing and outputting an image to be corrected, which has actually been corrected by said image correction unit (note Nakajima col. 19 lines 41-48).

4. Claims 8-12, 14-17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Yanagida.

Regarding claims 8, 15-17 and 26 Nakajima discloses,

A user corrected image-obtaining unit outputting a predetermined image (note col. 19 lines 31-35, nine different adjustment patterns examiner interprets as two or more correction levels), and allowing a user to correct the output image (note col. 19 lines 35-48, user selects a preferred corrected image)

Image correction unit, correcting an image to be corrected which is different from the predetermined image based on a correction result of the user (Once a adjustment value is set automatic correction of the level occurs, thus correcting an image to be corrected different from predetermined image (note col. 31 lines 1-6). Nakajima is silent disclosing a correction preferred by a group of people. However, Yanagida discloses designating device, designating an individual or group. Therefore it would have been obvious to one having ordinary skills in the art to include designating device of Yanagida in the system of Nakajima. Nakajima teaches a user correcting images and selecting preferences. Yanagida in the same field of endeavor allows for a simple way for designating image processing (note col. 1 lines 60-65).

Art Unit: 2625

Regarding claim 9 Nakajima and Yanagida discloses,

Wherein said user preference obtaining unit outputs images at two or more correction levels corresponding to the plurality of given images to allow the user to select preferred corrected images (note Nakajima fig. 24a and 24b in connection with col. 20 lines 40-50). Nine thumbnail images correspond to the two or more correction levels and block 165 (scene) provides plurality of given images to allow the user to select preferred corrected images.

Regarding claim 10 Nakajima and Yanagida discloses,

Wherein said plurality of given images are different in type (note Nakajima col. 20 lines 48-50, shows image different in type), and said user preference obtaining unit allows the user to select preferred corrected image corresponding to each type (note Nakajima col. 20 line 44-47).

Regarding claims 12 Nakajima and Yanagida discloses,

Wherein said given image is stored in advance in an image correction unit as an image of quality generally preferred by a large number of users (note Nakajima col. 20 line 18-20, lines cite image prepared beforehand).

Regarding claim 11 Nakajima and Yanagida discloses,

Art Unit: 2625

A user specified image input unit receiving a user specified image as the given image (note Nakajima fig. 24b block 165 and col. 20 lines 40-45, sample is user specified image input unit receiving a use specified image).

Regarding claim 14 Nakajima and Yanagida discloses,

Wherein said user preference obtaining unit prints and outputs images at two or more correction level (note Nakajima col. 19 lines 38-40, user prints nine images of different adjusting parameters (two or more correction levels); and

Apparatus further comprises an image-printing unit printing and outputting an image to be corrected, which has actually been corrected by said image correction unit (note Nakajima col. 19 lines 41-48).

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima and Yanagida in view of Kanno et al (6,577,761).

Regarding claim 13 Nakajima and Yanagida is silent disclosing,

Wherein said user preference obtaining unit requests a user to input a user identifier for identification of the user, and allows each user to select a preferred corrected image. However, Kanno discloses user inputs identifier and allows each user to select a preferred corrected image (note col. 12 lines 42-47 and 54-60, user inputs user identification, allows user to select an output image).

Therefore it would have been obvious to one having ordinary skills in the art to include user identification in the system of Nakajima and Yanagida as evidenced by



Art Unit: 2625

Kanno. Nakajima and Yanagida teach user selection of a corrected preferred image and setting the select preference for other images. Kanno in the same field of endeavor identifies specific user of an output image, thus providing and maintaining the preference of a specific user of a system operated by many user (note col. 1 lines 61-66).

### ***Allowable Subject Matter***

6. Claims 1-3, 5-7 and 24-25 are allowed.

7. The following is an examiner's statement of reasons for allowance: for independent claims 1, 24 and 25. The prior art fails to teach a plurality of corrected image variation of a given image, the variation corrected images including one representing the corrected image of a quality preferred widely among a large number of people and having been stored in said image correction apparatus. Claims 2-3 and 5-7 depend on claim1. Therefore are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703)

Art Unit: 2625


308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire  
Examiner  
Art Unit 2625

G.D.  
February 22, 2005

  
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